

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

vs.

5:08-CR-753

AMANDA D. JANSEN,

Defendant,

Transcript of a Change of Plea Proceeding
held on October 23, 2009, before the
HONORABLE DAVID N. HURD, at the United States Federal
Courthouse, 10 Broad Street, Utica, New York, before
Nancy L. Freddoso, Registered Professional Reporter and
Notary Public in and for the State of New York.

A P P E A R A N C E S

Government: UNITED STATES ATTORNEY'S OFFICE
ROOM 900, HANLEY FEDERAL BLDG.
100 SOUTH CLINTON STREET
SYRACUSE, NEW YORK 13261-7198
BY: LISA M. FLETCHER, AUSA

Defendant: FEDERAL PUBLIC DEFENDER'S OFFICE
4 CLINTON SQUARE
SYRACUSE, NEW YORK 13202
BY: LISA A. PEEBLES, AFD

NANCY L. FREDDOSO, R.P.R.
Official United States Court Reporter
10 Broad Street, Room 316
Utica, New York 13501
(315) 793-8114

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2 (WHEREUPON, the proceedings held on
3 October 23, 2009, were commenced at
4 10:45 a.m..)

5

6 COURT CLERK: United States of America
7 versus Amanda Jansen, criminal number 2008-CR-753.

8 Counselors, your appearance for the record,
9 please.

10 MS. FLETCHER: Lisa Fletcher for the United
11 States. Good morning Judge.

12 THE COURT: Good morning.

13 MS. PEEBLES: Lisa Peebles appearing on
14 behalf of Amanda Jansen. Ms. Jansen is also present. Good
15 morning, Your Honor.

16 THE COURT: Good morning.

17 I understand that at this time the defendant
18 is prepared to enter a plea of guilty to Counts 1, 12, and
19 13 of the Second Superseding Indictment charging her in
20 Count 1 with conspiracy to transport children in interstate
21 commerce with intent to have them engage in sexual activity
22 in violation of 18 U.S.C. 2423(a) and in Counts 12 and 13,
23 to aid and abet another to cross state lines with intent to
24 engage in a sexual act with a child in violation of
25 18 U.S.C. 2241(c) and 18 U.S.C. 2.

26 Is that correct, Ms. Peebles?

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2 MS. PEEBLES: Yes, it is, Your Honor.

3 THE COURT: Ms. Jansen, I now inform you
4 that if you enter a plea of not guilty or continue with
5 your plea of not guilty to the Second Superseding
6 Indictment and, in particular, with regards to Counts 1,
7 12, and 13, you would have the right to a speedy and public
8 trial by an impartial jury of twelve people.

9 At a trial, you would be presumed innocent
10 under the law, and the burden would be upon the government
11 to establish your guilt beyond a reasonable doubt to the
12 satisfaction of all twelve jurors.

13 At a trial, you would have the right to the
14 assistance of your lawyer, Ms. Peebles. You would have a
15 right to confront, that is, to see and hear each and every
16 witness against you and to have your lawyer cross-examine
17 them.

18 At trial, you could remain silent or you
19 could testify in your own behalf, but you could not be
20 compelled to testify, and if you did not testify, your
21 silence could not be held against you in any way and no
22 inference of guilt could be drawn against you from a
23 failure to testify.

24 Finally, you have the right to use the
25 subpoena and other processes of the Court to compel
26 witnesses to attend the trial and to testify in your behalf

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2 and to secure documents to offer in your defense.

3 Now, if you enter a plea of guilty to these
4 three charges today, you are going to give up those rights.
5 There won't be a trial, but I will still have the same
6 power to sentence you as if you had been found guilty after
7 a trial on Counts 1, 12, and 13 of the Second Superseding
8 Indictment.

9 Ms. Jansen, is it your desire to waive and
10 give up the rights I have just explained to you?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand that if you
13 plead guilty, you will be found guilty without a trial?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Do you understand that the
16 crimes to which you are proposing to plead guilty are very,
17 very serious crimes? They are federal felonies?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you understand that if you
20 plead guilty, not only will you be found guilty of federal
21 felonies, but you may also be deprived of valuable civil
22 rights such as the right to vote, hold public office, serve
23 on a jury or possess any kind of a firearm?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Let me now explain the procedure
26 here in open court if you do enter a plea of guilty.

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2 You will immediately be placed under oath by
3 the Clerk, and I will proceed to ask you a series of
4 questions so that I can be satisfied you are pleading
5 guilty freely and voluntarily; whether any promises of
6 leniency have been made to get you to plead guilty; whether
7 any threats or force have been used to get you to plead
8 guilty.

9 I am going to ask you if you are presently
10 under the influence of any drugs, pills or medicine which
11 would impair your ability to understand these proceedings,
12 the charges against you, and the consequences of pleading
13 guilty.

14 And finally, you are going to have to tell
15 me in your own words what you did so that I can be
16 satisfied that you are, in fact, guilty of the crimes
17 charged in Counts 1, 12, and 13, and that you are not just
18 pleading guilty for some other reason.

19 You will be under oath. You must tell the
20 truth. If you don't tell the truth, you could be in
21 further difficulty if the government brings more charges
22 against you for perjury or making a false statement.

23 I expect that you have fully discussed your
24 case with Ms. Peebles; that you have been advised of the
25 nature of the charges against you, your rights, the factual
26 basis of your plea, the consequences of pleading guilty,

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2 and any defense you may have to these charges.

3 At this time, Ms. Jansen, I warn you that
4 you should never plead guilty to these charges unless you
5 are, in fact, guilty of the charges set forth by me a
6 moment ago in Counts 1, 12, and 13.

7 Do you understand?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Do you still want to plead
10 guilty to those charges?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Mr. Minor, take the defendant's
13 plea and then place her under oath.

14 COURT CLERK: Ms. Jansen, do you waive the
15 reading of Counts 1, 12, and 13 of the Second Superseding
16 Indictment, ma'am?

17 THE DEFENDANT: Yes, sir.

18 COURT CLERK: How do you plead to Counts 1,
19 12, and 13 of the Second Superseding Indictment, guilty or
20 not guilty?

21 THE DEFENDANT: Guilty.

22 COURT CLERK: Please raise your right hand.

23

24 AMANDA JANSEN, being first duly sworn, was examined
25 and testified as follows under oath:

26

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2 THE COURT: State your full name.

3 THE DEFENDANT: Amanda Dawn Jansen.

4 THE COURT: How old are you?

5 THE DEFENDANT: Twenty-seven.

6 THE COURT: How far did you go in school?

7 THE DEFENDANT: Some college.

8 THE COURT: How long have you been in
9 custody?

10 THE DEFENDANT: Thirteen months.

11 THE COURT: Where did you live at the time
12 you went into custody?

13 THE DEFENDANT: Watertown, New York.

14 THE COURT: What was the address?

15 THE DEFENDANT: I don't remember.

16 THE COURT: With whom --

17 THE DEFENDANT: 435 Conklin (phonetically)

18 Drive.

19 THE COURT: With whom did you live at that
20 time?

21 THE DEFENDANT: My husband and my daughter.

22 THE COURT: And your husband's name?

23 THE DEFENDANT: Christopher Jansen.

24 THE COURT: How old is your daughter at that
25 time?

26 THE DEFENDANT: At that time, I believe

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2 eighteen months.

3 THE COURT: How long have you been married
4 to Mr. Jansen? When were you married to Mr. Jansen? The
5 month or the year?

6 THE DEFENDANT: July of 2008.

7 THE COURT: July of 2008?

8 THE DEFENDANT: I don't know, Your Honor,
9 because we were married twice. The first time was in Texas
10 November 13, 2007, and the second time was in New York.

11 THE COURT: Were you working at the time you
12 went into custody?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Where were you employed?

15 THE DEFENDANT: With the U.S. Army.

16 THE COURT: How long have you been in the
17 U.S. Army?

18 THE DEFENDANT: Two years.

19 THE COURT: What was your rank in the Army?

20 THE DEFENDANT: I was a Specialist.

21 THE COURT: Where were you stationed, at
22 Fort Drum?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: At the time -- before you went
25 into custody, did you use narcotics?

26 THE DEFENDANT: A couple of times, Your

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2 Honor.

3 THE COURT: Did you use alcohol at times?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Have you consumed any pills,
6 drugs or medicine in the last twenty-four hours?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: What type of drugs are you
9 taking?

10 THE DEFENDANT: Antidepressants.

11 THE COURT: Did you take some medication
12 today?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Does that medication have any
15 effect whatsoever on your ability to understand these
16 proceedings and what is going on here in court?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Now, you are represented by
19 Attorney Lisa Peebles?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And she was appointed by the
22 Court to assist you?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Are you satisfied with her?

25 THE DEFENDANT: Yes, Your Honor.

26 THE COURT: Did she advise you of your

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2 rights?

3 THE DEFENDANT: Yes.

4 THE COURT: Did you hear and understand what
5 I told you a few moments ago about your rights?

6 THE DEFENDANT: Yes.

7 THE COURT: Have you read the Second
8 Superseding Indictment which contains the charges against
9 you in Counts 1, 12, and 13?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: And did you review those charges
12 with Ms. Peebles?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Did she answer any questions you
15 may have had about the charges against you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And you understand exactly what
18 you have been charged with here?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, has your lawyer, Assistant
21 United States Attorney, any government agent or anyone else
22 made any promises to you that you would be treated
23 leniently or any other kind of promise in order to get you
24 to plead guilty?

25 THE DEFENDANT: No, Your Honor.

26 THE COURT: Did anybody use any force or

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2 make any threats against you to get you to plead guilty?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Are you presently on probation
5 or parole from any other court?

6 THE DEFENDANT: No.

7 THE COURT: What did you do during the
8 summer of 2008 that makes you guilty of these charges about
9 transporting children and engaging in sexual acts with
10 children?

11 THE DEFENDANT: I agreed with my husband to
12 bring his children down to have sex with them and continued
13 to do so.

14 THE COURT: Where were his -- where were
15 your husband's -- these are your husband's children from an
16 earlier marriage?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: His children and some of his
19 stepchildren?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Where were they located in the
22 summer of 2008 before --

23 THE DEFENDANT: Kentucky.

24 THE COURT: What arrangements did you make
25 with your husband with regards to transporting the children
26 from Kentucky to New York State?

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2 THE DEFENDANT: He went down to go get them
3 for their summer visitation.

4 THE COURT: What was the purpose of bringing
5 them back to New York State?

6 THE DEFENDANT: It was their visitation. We
7 had made -- what is the right word -- plans, I guess.

8 THE COURT: What type of plans did you make
9 with the children before he went to pick them up in
10 Kentucky?

11 THE DEFENDANT: To have sexual relations
12 with them.

13 THE COURT: Did he pick up the children in
14 Kentucky?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Did he bring them to New York
17 State.

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Did he bring them up to your
20 home in Watertown?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And what happened at the home in
23 Watertown, New York during the summer of 2008 with the
24 four -- these were four children, right? There were four
25 children he brought?

26 THE DEFENDANT: Yes, Your Honor.

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2 THE COURT: Two of his own and two
3 stepchildren?

4 THE DEFENDANT: Yes.

5 THE COURT: Did you have sex with any of
6 those children?

7 THE DEFENDANT: Yes.

8 THE COURT: Which ones without giving their
9 names?

10 THE DEFENDANT: The eight and the five-year
11 old.

12 THE COURT: Eight and five-year old boys?

13 THE DEFENDANT: No, Your Honor. Yes, Your
14 Honor.

15 THE COURT: Did you have sex with the
16 eight-year old boy?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: You had sex with that boy?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: How many times?

21 THE DEFENDANT: Just the once, Your Honor.

22 THE COURT: What about the other three
23 children?

24 THE DEFENDANT: With the others, I had sex
25 with my husband in front of them. I don't remember if
26 there was anything else. There was -- with the youngest

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2 girl, there was an incident as well between Chris and her
3 and me.

4 THE COURT: Were any kind of drugs or
5 medications used on these children?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: What was that?

8 THE DEFENDANT: Ambien.

9 THE COURT: What was the purpose of giving
10 the children Ambien?

11 THE DEFENDANT: It is a sleeping medication.

12 THE COURT: So they would be asleep while
13 they were having sex with you or your husband?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Did your husband have sex with
16 these children also?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And Ms. Fletcher, the Assistant
19 United States Attorney, is going to recite what the
20 government would prove if your case went to trial.

21 You listen carefully because when she is
22 finished, I am going to ask you if what she said is true.
23 Do you understand?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Ms. Fletcher.

26 MS. FLETCHER: Thank you, Judge. As to

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2 Count 1, the government would prove the following elements
3 of the offense:

4 First, that a conspiracy, agreement or
5 understanding between two or more persons was made to join
6 together to accomplish a unlawful purpose that is as
7 described in Count 1 of the Indictment. That conspiracy
8 was formed, reached or entered into by the defendant and
9 Christopher Jansen.

10 At some time during the existence or the
11 life of the conspiracy, the defendant knew the purpose of
12 the agreement and deliberately joined the conspiracy.

13 And finally, that the conspiracy involved
14 the transportation of individuals who had not attained the
15 age of eighteen, to wit, a thirteen-year old female child,
16 an eight-year old male child, a five-year old female child,
17 and a three-year old male child, to transport those
18 children in interstate commerce with the intent that those
19 children engage in sexual activity for which any person can
20 be charged with a criminal offense in this case including,
21 but not limited to, sexual abuse, rape, and sodomy.

22 As to this third element of the offense,
23 Your Honor, the United States does not need to prove that
24 the only purpose or even a dominant purpose for
25 transporting the children in interstate commerce was to
26 engage in a sexual act with a minor. It is enough if one

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2 of the motives was to engage in an unlawful sexual act as
3 defined by Title 18 U.S.C. 2246 with a minor.

4 As to Counts 10 and 11, we would prove the
5 following elements:

6 First, the defendant, Amanda Jansen, aided,
7 abetted, counseled, commanded, induced or procured
8 Christopher Jansen to cross state lines with the intent
9 that one or both of them were to engage in a sexual act
10 with a person who had not attained the age of twelve years.

11 And, second, that the defendant and
12 Christopher Jansen knowingly engaged in sexual acts with a
13 person who is under the age of twelve years.

14 The factual basis is as follows:

15 In September 2008, the New York State Police
16 Computer Crimes Unit, while investigating a cyber tip from
17 the National Center For Missing an Exploited Children
18 lawfully obtained numerous computers, hard drives and other
19 digital media upon consent from Christopher Jansen at the
20 Watertown, New York residence shared by Christopher and
21 Amanda Jansen who are husband and wife.

22 A forensic preview was conducted on some of
23 the electronic media turned over by Jansen. That preview
24 revealed the existence of child pornography. As a result,
25 the New York State Police obtained a search warrant
26 authorized by Honorable Eugene Renzi, Judge of the City of

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2 Watertown from the residence of Amanda and
3 Christopher Jansen.

4 During the execution of the search warrant,
5 additional electronic media and physical evidence was
6 lawfully seized and the Jansens were interviewed by law
7 enforcement.

8 Amanda Jansen was interviewed by New York
9 State Police Investigator Todd Grant. In addition to other
10 things, Amanda Jansen admitted that in June 2008, her
11 husband, Christopher Jansen, travelled to Kentucky to pick
12 up his thirteen-year old stepdaughter, his eight-year old
13 stepson, his five-year old daughter, and his three-year old
14 son. And in June 2008, transported the four children from
15 Kentucky to the Jansens' residence in Watertown, New York.

16 The government would prove that prior to the
17 June trip, Amanda and Christopher Jansen conspired with one
18 another to have sexual contact with the children after they
19 had been transported from Kentucky to New York.

20 Data lawfully extracted from a cell phone
21 subscribed to and used by Amanda Jansen included the
22 following text messages sent to Christopher Jansen by
23 Amanda Jansen.

24 And in my recitation here, Judge, the
25 children's names that did appear in the text messages, I
26 will refer to them by their ages.

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2 A text message dated May 12, 2008, from
3 Amanda Jansen states in part:

4 "I am thinking Rohypnol. I really want to
5 see you with the eight-year old male child. I'd like to see
6 you get him to go down on you, then switch. Then you take
7 him in the ass with my help so you do it right and it don't
8 hurt him."

9 A text message dated May 13, 2008, states in
10 part:

11 "I want to play with the five-year old
12 female child. I want you to take her and the thirteen-year
13 old female child's Vcard. I will watch and join in. I
14 want to do E with the thirteen-year old by myself and you
15 join."

16 "Then you will do as I say or direct. I
17 will eat five-year old at least once a week while she is
18 with us and give her baths. When I tell you to, you will
19 bathe her and finger. I want to see you come in five-year
20 old female child. You will come in the five-year old only
21 with a condom."

22 In this text message, Your Honor, the Vcard
23 reference is used by the Jansens to mean virginity. And
24 when she said I want to do E, that is a reference to
25 Ecstasy.

26 As a part of the investigation, New York

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2 State Police Investigator Tom Guarasce went to Kentucky and
3 personally interviewed the mother of the four children.

4 She confirmed that Christopher Jansen is her
5 ex-husband and the father of the five-year old female and
6 the three-year old male child. She also confirmed that in
7 June 2008, Christopher Jansen traveled to Kentucky, picked
8 up the four children and took them back to his residence in
9 New York. She stated he had returned the children to her
10 in Kentucky in August of 2008.

11 We had would prove that from in or about
12 June 2008 through in or about August 2008, Christopher and
13 Amanda Jansen, acting together, sexually abused the
14 eight-year old male child, and that Amanda Jansen, aided
15 and abetted by Christopher Jansen, did engage in oral
16 sodomy, that being mouth-to-penis contact, and sexual
17 intercourse with the eight-year old.

18 Further, we would prove that from in or
19 about June 2008 through in or about August 2008,
20 Christopher and Amanda Jansen, acting together, also
21 sexually abused on more than one occasion the five-year old
22 female child, and that while they were both together with
23 the child, Christopher Jansen engaged in hand-to-vagina
24 contact and oral sodomy, that being mouth-to-vagina
25 contact, and sexual intercourse with the five-year old
26 female. And that Amanda Jansen also engaged in

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2 hand-to-vagina contact and oral sodomy with the five-year
3 old female child.

4 Christopher and Amanda Jansen drugged both
5 children by putting ground Ambien in Kool-Aid that they
6 then made the children drink. The drug was administered by
7 the Jansens in furtherance of the sexual abuse of the
8 minors.

9 In other text messages recovered in this
10 case, Your Honor, it appears that one of the reasons to use
11 the Ambien is so that the children wouldn't remember or be
12 able to disclose the sexual abuse.

13 All of this conduct took place in the
14 Northern District of New York after the children were
15 transported to New York from Kentucky by Christopher Jansen
16 using a vehicle owned and registered to Amanda Jansen.

17 THE COURT: Ms. Jansen, is what Assistant
18 United States Attorney Fletcher just stated substantially
19 what you and your husband did during the summer of 2008?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Is there anything that she said
22 that you disagree with?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Ms. Peebles, is that also your
25 understanding as to what occurred in the summer of 2008?

26 MS. PEEBLES: Yes, it is, your Honor.

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2 THE COURT: Ms. Fletcher, what penalties is
3 the defendant facing as a result of the plea of guilty
4 today?

5 MS. FLETCHER: As to Count 1, there is a
6 maximum term of imprisonment of life, and a mandatory
7 minimum term of imprisonment of ten years.

8 As to Counts 12 and 13, the maximum term of
9 imprisonment is life, and the mandatory minimum term of
10 imprisonment on each count is thirty years.

11 There is a fine of two hundred and fifty
12 thousand dollars or up to two hundred and fifty thousand
13 dollars on each count of conviction.

14 In addition, the Court must require the
15 defendant to serve a term of supervised release of any term
16 of years not less than five and up to life to begin at the
17 expiration of any term of imprisonment imposed upon her.

18 Should the defendant be placed on a term of
19 supervised release and subsequently violate any of the
20 terms and conditions of that release before the expiration
21 of such term, she may be sentenced to up five years
22 imprisonment in addition to any prison term previously
23 imposed and in addition to the statutory maximum term of
24 imprisonment.

25 Under some circumstances, the Court may
26 extend the term of supervised release and it may modify,

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2 reduce or enlarge the conditions of such release.

3 As a result of this conviction, the
4 defendant will be an offender required to register under
5 the Sex Offender Registration and Notification Act.

6 As such and while on supervised release, she
7 commits any criminal offense under Chapter 109(a), 110 or
8 117 or Section 1201 or 1591 for which imprisonment for a
9 term of longer than one year can be imposed, the Court must
10 revoke her term of supervised release and require that she
11 serve a term of imprisonment of not less than five years on
12 the violation.

13 There is a special assessment of three
14 hundred dollars. As I said, the defendant, as a result of
15 her conviction, must register as a sex offender. She must
16 keep her registration current in each jurisdiction where
17 she resides, where she is an employee and where she is a
18 student.

19 For initial registration purposes, the
20 defendant must register in New York as a result of this
21 conviction even if she resides in a different jurisdiction.

22 A sex offender who knowingly fails to
23 register or update the required registration may be subject
24 to prosecution under Title 18 U.S.C. 2250 and face a
25 penalty of up to ten years imprisonment.

26 In addition, Your Honor, the defendant

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2 through this plea here today will forfeit to the United
3 States all of her right, title, and interest of any nature
4 in any and all assets that are subject to forfeiture as set
5 forth in the forfeiture allegation of the Indictment
6 pursuant to 18 U.S.C. 2428 and 2253.

7 These assets include, but are not limited
8 to, one tan homemade PC tower, one Western Digital hard
9 drive, one Maxtor hard drive, one HP Pavilion laptop, one
10 Sandisk Cruzer thumb drive, one Attache four gigabyte thumb
11 drive, one Samsung hard drive, one Cingular Sony cellular
12 telephone, one Compaq Presario computer, one tan Acer
13 computer, one Motorola V-3 cell phone, one Nikon Coolpix
14 camera, one white power adaptor, one Apple iPhone phone,
15 one thumb drive, one iPod Nano, one Motorola L7C camera
16 phone, one Olympus camedia digital camera, one DVD-R
17 exported from the homemade PC tower, one DVD with a case,
18 and sixty-seven CD-Rs.

19 THE COURT: Just to be clear, Ms. Fletcher,
20 would the plea of guilty conviction of the three counts,
21 the maximum, of course, is life. What is the mandatory
22 minimum?

23 MS. FLETCHER: The mandatory minimum on
24 Count 1 is ten years. The mandatory minimum on Counts 12
25 and 13 are thirty years.

26 THE COURT: Okay. Is there any requirement

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2 that the mandatory minimums be consecutive?

3 MS. FLETCHER: No, Your Honor. That's
4 discretionary with the Court.

5 THE COURT: So the mandatory minimum for the
6 three counts would be thirty years?

7 MS. FLETCHER: Yes.

8 THE COURT: And the maximum would be life?

9 MS. FLETCHER: Yes.

10 THE COURT: Do you understand the penalties
11 you are facing as a result of pleading guilty today?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: If what the Assistant U.S.
14 Attorney just stated is correct, you are facing a thirty
15 year mandatory minimum which means that I would have no
16 choice but to give you at least thirty years.

17 I could give you more, up to life, but I
18 have to give you at least thirty years imprisonment at the
19 time you are sentenced.

20 Do you clearly understand that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Ms. Fletcher, is there any
23 guideline, does it have effect whatsoever on this
24 situation?

25 MS. FLETCHER: Judge, it appears that the
26 guidelines range in this case will be life.

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2 THE COURT: Have you discussed the
3 guidelines with your lawyer?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Those guidelines are advisory,
6 and I must take them into consideration, together with all
7 of the other factors in determining what your final
8 sentence will be.

9 As stated, if that is a correct statement of
10 the penalties for these charges, it will be at least thirty
11 years. It may be more.

12 In any event, the next step will be a
13 presentence report. You must cooperate with the Probation
14 Officer in preparing that report. You will have an
15 opportunity to challenge or object to any facts that are in
16 the report or to any recommendations by the Probation
17 Officer.

18 I also inform you that under the federal
19 system, parole has been abolished, and if you are sentenced
20 to prison which appears to be certain, you will not be
21 released on parole.

22 Now that you have been informed about the
23 maximum penalties you are facing, life, and the mandatory
24 minimum you are facing, thirty years, do you still want to
25 enter a plea of guilty to Counts 1, 12, and 13 of the
26 Second Superseding Indictment?

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2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Are you pleading guilty because
4 you are guilty and for no other reason?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Ms. Peebles, for the record,
7 would you state your background and experience briefly.

8 MS. PEEBLES: I have been with the Office of
9 the Federal Public Defender over ten years now, and prior
10 to my employment with this office, I was in private
11 practice for a five-year period where, in that capacity, I
12 also represented many individuals charged in federal court
13 with various crimes.

14 THE COURT: How much time have you spent on
15 this case?

16 MS. PEEBLES: Over fifty hours, Your Honor.

17 THE COURT: And have you advised the
18 defendant of her rights and the nature of the charges
19 against her and the consequences of pleading guilty to
20 Counts 1, 12, and 13 of the Second Superseding Indictment?

21 MS. PEEBLES: Yes, I have.

22 THE COURT: Have you had discovery of the
23 government's evidence, either formally or informally?

24 MS. PEEBLES: Yes, I have, Your Honor.

25 THE COURT: Have you made any promises or
26 threats to induce the defendant to plead guilty?

1 Change of Plea

2 MS. PEEBLES: No, I have not.

3 THE COURT: Are you satisfied she is
4 pleading guilty freely and voluntarily?

5 MS. PEEBLES: Yes, Your Honor.

6 THE COURT: Are you satisfied she
7 understands the nature of the charges against her in the
8 Second Superseding Indictment 1, 12, and 13?

9 MS. PEEBLES: Yes, I am, Your Honor.

10 THE COURT: Are you satisfied she
11 understands the consequences of pleading guilty to those
12 charges?

13 MS. PEEBLES: Yes, Your Honor.

14 THE COURT: Do you know of any defense she
15 may have to those charges?

16 MS. PEEBLES: No, I do not.

17 THE COURT: Do you know of any other reason
18 why she should not plead guilty?

19 MS. PEEBLES: No, Your Honor.

20 THE COURT: Based on the foregoing, I find
21 that the defendant's plea of guilty to Counts 1, 12, and 13
22 of the Second Superseding Indictment is voluntary.

23 I find the defendant is fully competent and
24 capable to enter a plea of guilty.

25 I find the defendant understands the charges
26 against her and the consequences of pleading guilty.

1 Change of Plea

2 And I find there is an independent basis in
3 fact for me to accept and enter the plea of guilty to
4 Counts 1, 12, and 13 of the Second Superseding Indictment.

5 Therefore, I direct that the Clerk enter a
6 plea of guilty to Counts 1, 12, and 13 of the Second
7 Superseding Indictment charging the defendant,
8 Amanda Jansen, in Count 1, with conspiracy to transport
9 children in interstate commerce with intent to have them
10 engage in sexual activity in violation of
11 18 U.S.C. 2423(a), and that the defendant, Amanda Jansen,
12 in Counts 12 and 13, did aid, abet another to cross state
13 lines with intent to engage in a sexual act with a child in
14 violation of 18 U.S.C. 2241(c) and 18 U.S.C. 2.

15 I direct the Probation Department to prepare
16 and submit a presentence report.

17 Sentencing is tentatively scheduled for
18 Friday, February 19, 2010, at 2:00 p.m. in Utica, New York.

19 The defendant is presently detained, I
20 understand?

21 MS. FLETCHER: Yes, Your Honor.

22 THE COURT: Anything further, counselors?

23 MS. FLETCHER: Nothing further, Your Honor.

24 MS. PEEBLES: No, Your Honor.

25 THE COURT: Defendant is remanded to the
26 custody of the United States Marshal pending sentencing.

1 Change of Plea

2 Mr. Minor.

3 COURT CLERK: Court stands for a brief

4 recess.

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6 (Whereupon, the proceedings held on

7 October 23, 2009, were ended at 11:20 a.m..)

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C E R T I F I C A T E

I, NANCY L. FREDDOSO, RPR, Official Court Reporter
in and for the United States District Court, Northern
District of New York, do hereby certify that I recorded
stenographically the foregoing at the time and place
mentioned; that I caused the same to be transcribed; and
that the foregoing is a true and correct transcript thereof
to the best of my knowledge, ability, and belief.

I further certify that I am not an attorney or
counsel of any parties, not a relative or employee of any
attorney or counsel connected with the action, nor
financially interested in the action.

S/NANCY L. FREDDOSO, RPR
Official United States Court Reporter

My Commission expires March 30, 2011

